

AGENDA BILL
BREMERTON CITY COUNCIL

I. SUBJECT: Appeal Hearing

Appeal of Planning Commission decision to uphold the Planning Director's decision to issue a CEASE and DESIST ORDER for an illegal "JUNKYARD" land use in the "Business Park (BP)" zone.

APPELLANT: WILLIAM SESKO

LOCATION: 1701 PENNSYLVANIA AVENUE

FOR AGENDA OF: JUNE 28, 1995

ORIGINATING DEPT.: DCD - BLUES

ORIGINATOR: Shane Jensen, Planner

DATE SUBMITTED: JUNE 20, 1995

2. CLEARANCES:

Director of DCD: _____

City Attorney: _____

3. EXHIBIT with attachments:

PC FINDINGS & CONCLUSIONS

"A": Appeal of PC decision application

"B": Cease and Desist Order

"C": "Junkyard" definition from Zoning Ordinance

"D": Current Zoning Map

"E": Land Use Table # 10 from Zoning Ordinance

"F": PC Minutes of 4/18/95

ENDORSEMENT __ INFORMATION __ APPROVED BY COUNCIL PRESIDENT FOR SUBMITTAL: _____

MAYOR _____

COUNCIL PRESIDENT _____

4. SUMMARY STATEMENT AND REQUIREMENT FOR COUNCIL ACTION:

The CEASE and DESIST ORDER was issued in response to apparent illegal use of the subject property as a junkyard. The Order was appealed and upheld by the Planning Commission. The City Council is the hearing body for appeals of Planning Commission decisions.

When hearing an appeal, the City Council may take any of the following actions:

1. Uphold the Planning Commission's decision, validating the CEASE and DESIST ORDER.
2. Overturn the decision, invalidating the Order.
3. Modify the decision by adding or deleting conditions.
4. Remand the decision back to the Planning Commission for further review of circumstances or impacts identified by the City Council. (The City Council should include specific issues to be considered.)

8. RECOMMENDATION:

Requested Motion: I move to UPHOLD the Planning Commission's decision to uphold the CEASE and DESIST ORDER and hereby recognize the property at 1701 Pennsylvania Avenue as being used as a "JUNKYARD", which is an illegal land use in the "Business Park (BP)" zone.

9. RESPONSIBLE OFFICIAL: Donald L. Pratt
ENFORCEMENT OFFICIAL: David Nelson

10. NOTICE OF ACTION

PULLED ____ TABLED ____ APPROVED ____ DISAPPROVED ____ AMENDED ____

COUNCIL DIRECTIVE: _____ DATE: _____

11. AGENDA BILL NO.: _____

12. CLEARANCE COMMENTS:

13. IMPACT OF NON-PASSAGE:

Planning Commission's decision would be overturned, invalidating the CEASE and DESIST ORDER.

14. IMPACT ON STAFFING, BUDGETS, FACILITIES, EQUIPMENT OR OTHER RESOURCES:

Possible additional staff time for further review and analysis.

15. RESEARCH SOURCES:

InterOffice Memo

To: Bremerton City Council Members

From: Donald Pratt, Director of Community Development
Shane Jensen, Land Use Planner

Date: June 20, 1995

Subject: ZONING ENFORCEMENT APPEAL HEARING PROCEDURES

Because the "proponent" and "opponent" are different in an appeal hearing than in a typical land use permit hearing, this memo is to remind you to the procedures for speakers in an appeal hearing. After the "appearance of fairness/conflict of interest" questions, the hearing is conducted as follows:

1. ***City Clerk introduces the appeal item***
2. **STAFF INTRODUCTION:** *Identifies actions on property to date (no evidence)*
 - *clarification questions from Council, if needed*
3. **PROPONENT TESTIMONY:** *Appellant ("proponent" of appeal) gives presentation in opposition to staff and PC findings*
 - *clarification questions from Council, if needed*
4. **OPPONENT TESTIMONY:** *Staff Planner ("opponent" of appeal) reports evidence, and findings of Planning Commission regarding the appeal and why it should be opposed/defeated*
 - *clarification questions from Council, if needed*
5. **PUBLIC TESTIMONY**
 - *those in favor of the appeal ("proponents" of appeal)*
 - *those in opposition to the appeal ("opponents" of appeal)*
 - *those with comments of a neutral nature*
6. **WRITTEN TESTIMONY NOT INCLUDED IN STAFF REPORT READ INTO RECORD**
7. **APPELLANT ("proponent") REBUTTAL**
 - *clarification questions from Council, if needed*
8. **CLOSED TO COUNCIL**
 - *clarification questions from Council, if needed*
 - *Council discussion and motion(s)*
9. **COUNCIL ACTION TAKEN BY VOTE**

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